## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

## PARAGON SECURITY SYSTEMS Employer

and Case 01-RC-125863

UNITED GOVERNMENT SECURITY OFFICERS OF AMERICA, INTERNATIONAL UNION (UGSOA) AND ITS LOCAL 353 Petitioner

and

INTERNATIONAL UNION, SECURITY POLICE & FIRE PROFESSIONALS OF AMERICA (SPFPA)

Intervenor/Union

AMERICAN EAGLE PROTECTIVE SERVICES

Employer

and Case 01-RC-125865

UNITED GOVERNMENT SECURITY OFFICERS OF AMERICA, INTERNATIONAL UNION (UGSOA) AND ITS LOCAL 353 Petitioner

and

INTERNATIONAL UNION, SECURITY POLICE & FIRE PROFESSIONALS OF AMERICA (SPFPA)

Intervenor/Union

**ORDER** 

The Petitioner's Request for Review of the Regional Director's administrative dismissal of the instant petitions raises no substantial issues warranting reversal of the Regional Director's action. Accordingly, the dismissal is affirmed.<sup>1</sup>

Dated, Washington, D.C., December 15, 2014.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

<sup>&</sup>lt;sup>1</sup> Consistent with his concurring view expressed in *FJC Security Services*, 360 NLRB No. 115, slip op. at 1-4 (2014) (Member Miscimarra, concurring), Member Miscimarra would adhere to the standard established in *MV Transportation*, 337 NLRB 770, 770 (2002), where the Board held that "an incumbent union in a successorship situation is entitled to—and only to—a *rebuttable* presumption of continuing majority status, which will not serve as a bar" to an otherwise valid rival union petition; and alternatively, Member Miscimarra believes that a successor bar under *UGL-UNICCO Service Co.*, 357 NLRB No. 76 (2011), if applied, should commence running when the successor is first required to recognize and bargain with the union rather than when the parties have their first bargaining session. Accordingly, Member Miscimarra would grant review and find that the petitions warrant an election.